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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,325

07/14/2003

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05/24/2007

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EXAMINER

WILLIAMS, CATHERINE SERKE

ART UNIT

PAPER NUMBER

3763

MAIL DATE

DELIVERY MODE

05/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/619,325	Applicant(s) WRIGHT ET AL.	
	Examiner Catherine S. Williams	Art Unit 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,6,8,13-17,19-22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Challendar et al (USPN 5,492,147). Challendar discloses a coupling device that includes a first part and second part adapted to be coupled together. Each part has a seal (46,32,94,70) that is closed when uncoupled and open when coupled. At least one of the seals includes a diaphragm (70) which includes a slit. One adapted also includes a needle (23) with a skirt (32) having a slit. See figures 1-4.

Claims 1,6,8,11-13,16-17 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Vaillancourt (USPN 7,004,934). Vaillancourt discloses a coupling device that includes a first part and second part adapted to be coupled together. Each part has a seal (12,22) that is closed when uncoupled and open when coupled. At least one of the seals includes a diaphragm (12',22') which includes a slit. The diaphragm (22) has an inner surface with a circumferential channel (see figure 2 and connection between 22 and 23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5,18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Challendar in view of Vaillancourt UPSN (4,511,359). Challendar meets the claim limitations as described above but fails to teach a snap fit mechanism. However, Vaillancourt ('359) teaches such a mechanism. See figure 12B and pertinent text to the figure.

At the time of the invention, it would have been obvious to substitute the snap fit configuration of Vaillancourt ('359) into the invention of Challendar. The motivation for the incorporation would have been in order to provide an enhanced mechanism for attachment.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Challendar or Vaillancourt. Challendar and Vaillancourt each meet the claim limitations as described above but both fail to teach the diaphragm made from silicone.

However, at the time of the invention, it would have been obvious to use silicone as the diaphragm material. Silicone is used extensively in the medical art due to its compatibility with the body and low immunological response. The motivation for the incorporation would have been to use a known material for its enhanced properties.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Challendar in view of Hishikawa (USPN 6,808,161). Challendar meets the claim limitations as described above but fails to include the diaphragm having an inner surface with parallel channels to the direction of the slit. However, Hishikawa discloses such a diaphragm. See figures 9 and 10. The diaphragm of Hishikawa is designed for enhanced opening due to force applied.

At the time of the invention, it would have been obvious to incorporate the diaphragm of Hishikawa into the invention of Challendar. Both devices are analogous in the art of connectors; therefore, a combination is proper. Additionally, the motivation for the incorporation would have been in order to provide a diaphragm that has an enhanced feature for opening when force is applied.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine S. Williams whose telephone number is 571/2724970. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas D. Lucchesi can be reached on 571/2724977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3763

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Catherine S. Williams
May 16, 2007

CATHERINE S. WILLIAMS
PRIMARY EXAMINER